

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following discussion, is respectfully requested. Applicants respectfully submit that the amendments are made to clarify the claims and the Applicants' position. The Applicants' position set forth in this response was previously made in the Amendment filed May 15, 2006, and was discussed during a telephone interview conducted on September 27, 2006. As such, Applicants respectfully submit that the claims amendments do raise new issues requiring further search and/or consideration and request the Examiner enter this Amendment under 37 C.F.R. § 1.116 on the record.

Claims 1, 3-45 and 47-55 are pending in this application. Claims 1 and 44 are amended. Claims 4, 7-15, 19-43 and 47-55 are withdrawn from consideration.

**Drawings**

Applicants respectfully note that the Examiner has not yet indicated that the drawings have been accepted by the USPTO. Applicants respectfully request that the Examiner's next communication include an indication as to the acceptability of the filed drawings or as to any perceived deficiencies so that the Applicants may have a full and fair opportunity to submit appropriate amendments and/or corrections to the drawings.

**Telephone Interview**

Another telephone interview between Applicants' Representative, Mr. Scott Elchert, Reg. No. 55,149, and Examiner Pham was conducted on March 27, 2007. During the telephone interview, Examiner Pham explained he had reconsidered his position and thus, recanted his previous indication that incorporating the features of dependent claim 2 into independent claim 1 would overcome the rejections based on the Examiner alleged "Applicant Admitted Prior Art"

(Fig. 1, pages 1-2) in view of Chang (U.S. Patent No. 6,025,247, herein Chang). In response, Applicants' Representative again explained the Applicants' position that Chang et al. (U.S. Patent No. 6,025,247, herein Chang) at least fails to disclose, teach or suggest "forming a plurality of bit lines on the first insulating layer, each of the plurality of bit lines including at least one bit line layer; forming an oxidation preventing layer over substantially the entire surface of the bit lines, the oxidation preventing layer arranged to contact all of the at least one bit line layers." This emphasized feature of the independent claim 1 is at least shown in the example embodiment of FIG. 7. In FIG. 7, the oxidation preventing layer 50 contacts both bit line layers 46 and 48, whereas in Chang, the silicon nitride layer 315 does not contact the silicide layer 309 of the bit line structure 313 and instead only contacts the insulating layer 310 of the bit line structure 313 shown in FIGS. 3(f)-(h) of Chang. No agreement was reached during the telephone interview.

#### Claim Rejections Under 35 U.S.C. § 103

##### Claims 1, 16-18 and 44-45

Claims 1, 16-18 and 44-45 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the Examiner alleged Applicant Admitted Prior Art (Fig. 1, pages 1-2) in view of Chang. Applicants respectfully traverse this rejection for the reasons detailed below.

Independent claim 1 is amended to recite, *inter alia*, "forming a plurality of bit lines on the first insulating layer, each of the plurality of bit lines including a plurality of bit line layers; forming an oxidation preventing layer over substantially the entire surface of the bit lines, the oxidation preventing layer arranged to contact all of the bit line layers of each of the bit lines."

Amended independent claim 44 is amended to recite similar features.

Chang as illustrated in Fig. 3(f)-(h) describes forming a silicon nitride layer 315 on a bit line structure 313. The bit line structure 313 includes a conducting layer 308, a silicide layer 309 and an insulating layer 310. The silicon nitride layer 315 contacts the insulating layer 310 of the bit line structure 313, but fails to contact both the conducting layer 308 and the insulating layer 310. As such, the silicon nitride layer 315 is not arranged to contact all of the bit line layers of the bit line structure 313.

In response to arguments made in the previous amendment filed November 9, 2006, the Examiner indicated “the claim does not require that the oxidation preventing layer *directly* contact the entire surface of the at least one bit line layers” (emphasis added). As such, it appears the Examiner is asserting that the term “directly” should be included before the term “contact” in the independent claims. However, the term “contact” is defined as the “coming together or touching, as of objects or surfaces” by the *The American Heritage® Dictionary of the English Language, Fourth Edition*. Retrieved March 29, 2007, from Dictionary.com website: <http://dictionary.reference.com/browse/contact>. As such, Applicants respectfully submit that including the term “directly” in front of “contact” in the claims would be redundant.

In light of the above, Applicants respectfully request that the rejection of independent claims 1 and 44, and claims 16-18 and 46 depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

Claims 3, 5, and 6

Claims 3, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the Examiner alleged Applicant Admitted Prior Art in view of Chang as applied to claims 1 and 2

above, and further in view of Lu et al. (U.S. Patent No. 5, 595,928, herein Lu). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that Lu fails to cure the deficiencies of Chang as described above with respect to amended independent claims 1 and 44.

Lu describes a silicon nitride layer 26 arranged on the gate electrode 16 and the sidewall spacers 22 adjacent to the side surfaces of the gate electrode 16. In Lu, the nitride layer 26 fails to contact the layer 16 and the spacers are not nitride.

Accordingly, Applicants respectfully submit that Lu also fails to disclose, teach or suggest “forming a plurality of bit lines on the first insulating layer, each of the plurality of bit lines including a plurality of bit line layers; forming an oxidation preventing layer over substantially the entire surface of the bit lines, the oxidation preventing layer arranged to contact all of the bit line layers of each of the bit lines,” as recited in amended claim 1.

Therefore, Applicants respectfully submit that claims 3, 5 and 6 are allowable over the Examiner alleged Applicant Admitted Prior Art, Chang, and Lu, either alone or in any proper combination, for at least the same reasons as independent claim 1. Accordingly, Applicants respectfully request that the rejection of claims 3, 5 and 6 under 35 U.S.C. § 103(a) be withdrawn.

#### **Withdrawn Claims**

Applicants respectfully submit that amended independent claims 1 and 44 are generic to at least claims 3-18, 45 and 47-49. Accordingly, if amended independent claims 1 and 44 are allowed, Applicants respectfully submit that at least withdrawn claims 4, 7-15 and 47-49 should

be rejoined and allowed. Further, Applicants reserve the right to file one or more divisional applications directed to any claims that are not rejoined prior to allowance of this application.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims, which do not remain withdrawn, of the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, Dickey, & PIERCE, P.L.C.

By \_\_\_\_\_

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